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*Attorneys for Prioritized Defendant
Facebook, Inc., and Non-Prioritized
Defendants Mark Zuckerberg, and Sheryl
Sandberg*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION,

This document relates to:

*People of Illinois ex rel. Kimberly M. Foxx v.
Facebook, Inc., et al.*, 18-cv-2667 (N.D. Ill.)

CASE NO. 3:18-MD-02843-VC

**DECLARATION OF JOSHUA LIPSHUTZ
IN SUPPORT OF DEFENDANT
FACEBOOK, INC.'S RESPONSE TO
COOK COUNTY'S ADMINISTRATIVE
MOTION FOR ORAL ARGUMENT ON
MOTION TO REMAND**

Judge: Hon. Vince Chhabria
Courtroom: 4, 17th Floor

I, Joshua Lipshutz, declare as follows:

1. I am an attorney admitted to practice law before this Court and all of the Courts of the State of California. I am a partner at the law firm of Gibson, Dunn & Crutcher LLP, counsel of record for Defendant Facebook, Inc. in the above-captioned action. I offer this declaration in support of Facebook's Response to Cook County's Administrative Motion for Oral Argument on Motion to Remand. I have personal knowledge of the facts set forth in this declaration (unless otherwise noted), and, if called to testify, I could and would competently testify to them.

2. Attached hereto as **Exhibit A** is a true and correct copy of an email exchange between counsel for Cook County and counsel for Facebook on October 16–17, 2018.

I declare under penalty of perjury pursuant to the laws of the United States of America and the State of California that the foregoing is true and correct. Executed at Washington, D.C., on this 22nd day of October, 2018.

By: /s/ Joshua Lipshutz
Joshua S. Lipshutz

Attorney for Defendant Facebook, Inc.

EXHIBIT A

From: Lipshutz, Joshua S.

Sent: Wednesday, October 17, 2018 4:57 PM

To: Benjamin H. Richman <brichman@edelson.com>

Cc: Snyder, Orin <OSnyder@gibsondunn.com>; Linsley, Kristin A. <KLinsley@gibsondunn.com>;
neimer@EimerStahl.com; srazzano@eimerstahl.com; Jay Edelson <jedelson@edelson.com>; Rafey Balabanian
<RBALABANIAN@edelson.com>; Ari Scharg <ascharg@edelson.com>; Alfred Murray <amurray@edelson.com>; Eli
Wade-Scott <ewadescott@edelson.com>

Subject: Re: People v. Facebook - Administrative Motion/Remand

Thanks, Ben. Yes, Facebook objects only for the reason stated below — we believe there should be supplemental briefing before oral argument or decision.

Best,
Josh

Joshua S. Lipshutz
Partner

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On Oct 17, 2018, at 4:51 PM, Benjamin H. Richman <brichman@edelson.com> wrote:

[External Email]

Josh:

We're happy to confer with our client on the issue of supplemental briefing and circle back to you. We do, however, plan to proceed with the filing today in the meantime. Given that, if you could let us know whether Facebook objects to the proposed order we circulated—sounds like it might—we'd appreciate it. We obviously want to make sure to note its position accurately.

Thanks,
Ben

Benjamin H. Richman
Edelson PC
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[Chicago, IL 60654](#)

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brichman@edelson.com
www.edelson.com



Sent from my iPhone

On Oct 17, 2018, at 1:29 PM, Lipshutz, Joshua S. <JLipshutz@gibsondunn.com> wrote:

Ben,
Thank you for your email. Before submitting the remand motion to the Court for oral argument and decision, we would propose asking the Court for leave to file supplemental briefs addressing the impact of the transfer to the Northern District of California, including the applicability of Ninth Circuit case law. Please let us know if you would agree to modify your proposed order and administrative motion to that effect.

Best,
Josh

Joshua S. Lipshutz
Partner

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From: Benjamin H. Richman <brichman@edelson.com>
Sent: Tuesday, October 16, 2018 9:29 PM
To: Snyder, Orin <OSnyder@gibsondunn.com>; Lipshutz, Joshua S. <JLipshutz@gibsondunn.com>; Linsley, Kristin A. <KLinsley@gibsondunn.com>; neimer@EimerStahl.com; srazzano@eimerstahl.com
Cc: Jay Edelson <jedelson@edelson.com>; Rafey Balabanian <RBALABANIAN@edelson.com>; Ari Scharg <ascharg@edelson.com>; Alfred Murray <amurray@edelson.com>; Eli Wade-Scott <ewadescott@edelson.com>
Subject: People v. Facebook - Administrative Motion/Remand

[External Email]
Counsel:

We plan to file an administrative motion tomorrow asking Judge Chhabria for

leave to submit our client's motion to remand and the related briefing from the Northern District of Illinois for hearing and decision. (The administrative motion itself is not yet finalized, so we can't share it at this time, but are happy to once it is.) If you could please let us know by 3 pm PT tomorrow whether you can stipulate to the attached order, we'd appreciate it.

Thanks in advance.

Best,
Ben

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EdelsonLaw

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